

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1143

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

9 **SECTION 1.** Section 25-53-191, Mississippi Code of 1972, is
10 amended as follows:

11 25-53-191. (1) For the purposes of this section, the
12 following terms shall have the meanings ascribed to them in this
13 section unless the context otherwise clearly requires:

14 (a) "Department" means the Mississippi Department of
15 Information Technology.

16 (b) "State agency" means any agency, department,
17 commission, board, bureau, institution or other instrumentality of
18 the state.

19 (c) "Wireless communication device" means a cellular
20 telephone, pager or a personal digital assistant device having
21 wireless communication capability.

22 (2) (a) Before a wireless communication device may be
23 assigned, issued or made available to an agency officer or
24 employee, the agency head, or his designee, shall sign a statement
25 certifying the need or reason for issuing the device. Except as
26 provided in paragraph (b) of this subsection, no officer or

employee of any state agency * * * shall be assigned or issued more than one (1) such wireless communication device.

(b) The following officers and employees may be assigned more than one (1) wireless communication device:

(i) Any district attorney and employee thereof;

(ii) Any officer or employee of the University of Mississippi Medical Center, the Mississippi Emergency Management Agency, the Department of Public Safety and the Department of Military; and

(iv) During declared disasters, any officer or employee of the Department of Human Services.

(c) No officer or employee of any state agency to whom has been assigned, issued or made available the use of a wireless communication device, the cost of which is paid through the use of public funds, shall use such device for personal use.

(3) A state agency shall not reimburse any officer or employee for use of his or her personal wireless communication device.

(4) Every state agency that, at the expense of the state agency, assigns, issues or makes available to any of its officers or employees a wireless communication device shall obtain and maintain detailed billing for every wireless communication device account. A list of approved vendors for the procurement of wireless communication devices and the delivery of wireless communication device services shall be developed for all state agencies by the Mississippi Department of Information Technology Services in conjunction with the Wireless Communication Commission created in Section 25-53-171. The department, in conjunction with the Wireless Communication Commission, shall exercise the option of selecting one (1) vendor from which to procure wireless communication devices and to provide wireless communication device services, or if it deems such to be most advantageous to the state

59 agencies, it may select multiple vendors. The department, in
60 conjunction with the Wireless Communication Commission, shall
61 select a vendor or vendors on the basis of lowest and best bid
62 proposals. A state agency may not procure a wireless
63 communication device from any vendor or contract for wireless
64 communication device services with any vendor unless the vendor
65 appears on the list approved by the department, in conjunction
66 with the Wireless Communication Commission. A contract entered
67 into in violation of this section shall be void and unenforceable.

68 (5) The department shall promulgate a model acceptable use
69 policy defining the appropriate use of all wireless communication
70 devices. The acceptable use policy should specify that these
71 resources, including both devices and services, are provided at
72 the state agency's expense as tools for accomplishing the business
73 missions of the state agency; that all those resources are for
74 business use; and that more than incidental personal use of those
75 resources is prohibited. The acceptable use policy should require
76 that each official and employee issued one (1) of the above
77 devices or authorized to access one (1) of the above services sign
78 the policy and that the signed copy be placed in the personnel
79 file of the official or employee. The acceptable use policy
80 should also require that the use of these resources be tracked,
81 verified and signed by the official or employee and the supervisor
82 of the official or employee at each billing cycle or other
83 appropriate interval. All state agencies shall adopt the model
84 policy or adopt a policy that is, at minimum, as stringent as the
85 model policy and shall provide a copy of the policy to the
86 department.

87 (6) All state agencies shall purchase or acquire only the
88 lowest cost cellular telephone, pager or personal digital
89 assistance device which will carry out its intended use.

90 (7) The State Auditor shall conduct necessary audits to
91 ensure compliance with the provisions of this section.

92 **SECTION 2.** This act shall take effect and be in force from
93 and after July 1, 2007.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 25-53-191, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT DISTRICT ATTORNEYS, THE UNIVERSITY OF MISSISSIPPI
3 MEDICAL CENTER, THE DEPARTMENT OF PUBLIC SAFETY, THE DEPARTMENT OF
4 MILITARY, AND DURING DECLARED DISASTERS THE DEPARTMENT OF HUMAN
5 SERVICES FROM THE PROVISION WHICH PROHIBITS MORE THAN ONE WIRELESS
6 COMMUNICATION DEVICE BEING ISSUED TO A STATE EMPLOYEE; AND FOR
7 RELATED PURPOSES.